

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
GREENBELT DIVISION**

COSTAR REALTY INFORMATION, INC.  
and COSTAR GROUP, INC.,

Plaintiffs,

v.

MARK FIELD D/B/A ALLIANCE  
VALUATION GROUP, *et al.*

Defendants.

Civil Action No. 8:08-CV-663-AW

**COSTAR’S MOTION TO COMPEL DEFENDANT PATHFINDER TO CONDUCT AN  
ADEQUATE SEARCH, PROPERLY PREPARE ITS RULE 30(B)(6) WITNESS, AND  
RESPOND TO DEPOSITION QUESTIONS**

Pursuant to Federal Rule of Civil Procedure 37(a)(3)(B)(i), Plaintiffs CoStar Realty Information, Inc., and CoStar Group, Inc. (collectively, “CoStar”) hereby move to compel Defendant Pathfinder Mortgage Company (“Pathfinder”) to conduct an adequate search, properly prepare its Rule 30(b)(6) witness, and respond to deposition questions. Pathfinder failed to conduct anything approaching a reasonable investigation in preparing for its deposition in this matter, even though the information sought was within Pathfinder’s possession, custody, or control. Pathfinder has provided no plausible explanation for its failure to adequately search for information responsive to CoStar’s Rule 30(b)(6) deposition topics, and in some instances, has even admitted that responsive information likely exists, but that it simply never sought the information.

For these reasons, and for the reasons set forth in the accompanying memorandum of law, CoStar respectfully requests that the Court grant its motion and require Pathfinder to:

- (1) contact Brad Christensen and request that he provide to Pathfinder any and all responsive documents and information to CoStar's discovery requests and deposition topics;
- (2) conduct a search of Pathfinder's long-term storage for responsive documents that exist in both paper form and in electronic form;
- (3) conduct a search for documents bearing the CoStar trademark;
- (4) produce a corporate witness for deposition pursuant to Rule 30(b)(6) after Pathfinder has conducted an adequate investigation and after the corporate witness for Pathfinder has been properly educated, including but not limited to, by obtaining knowledge related to documents and information obtained by Pathfinder orally or otherwise from Mr. Christenson.

CoStar also respectfully requests that sanctions be awarded pursuant to Federal Rule of Civil Procedure 37 for CoStar's reasonable costs and fees for bringing this Motion.

Dated: September 24, 2009

Respectfully submitted,

/s/

Shari Ross Lahlou, Bar. No. 16570  
William Sauers Bar. No. 17355  
Sanya Sarich Kerksiek Bar No. 17636  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone (202) 624-2500  
Facsimile (202) 628-5116  
Email [slahlou@crowell.com](mailto:slahlou@crowell.com)  
[wsauers@crowell.com](mailto:wsauers@crowell.com)  
[skerksiek@crowell.com](mailto:skerksiek@crowell.com)

*Attorneys for Plaintiffs CoStar Realty Information,  
Inc., a Delaware Corporation, and CoStar Group,  
Inc., a Delaware Corporation*

#### **Local Rule 104.7 Certification**

Pursuant to Local Rule 104.7, counsel for CoStar certifies that he has in good faith met and conferred with counsel for Pathfinder, but that no agreement regarding the issues related to this motion could be reached. The conferences took place on August 12 by telephone, August 17, 2009 in person at the Pathfinder deposition, on September 21 and 22, 2009 by telephone, and by ongoing correspondence. The issues requiring resolution for the Court are listed above in the motion as numbers (1) through (4).

/s/

William Sauers Bar. No. 17355  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone (202) 624-2500  
Facsimile (202) 628-5116  
Email [wsauers@crowell.com](mailto:wsauers@crowell.com)  
[skerksiek@crowell.com](mailto:skerksiek@crowell.com)

*Attorneys for Plaintiffs CoStar Realty Information,  
Inc., a Delaware Corporation, and CoStar Group,  
Inc., a Delaware Corporation*

### **CERTIFICATE OF SERVICE**

I hereby certify that service required by Fed. R. Civ. P. 5 was made, and that a true copy of the above document, with attachments, was served upon the attorneys of record for the following parties by electronically filing the document and attachments with the Clerk of Court using the CM/ECF system, which caused a Notice of Electronic Filing (NEF) to be sent to the following on September 24, 2009:

Mary-Olga Lovett  
Pamela Ferguson  
Greenberg Traurig  
1000 Louisiana Street, Suite 1800  
Houston, TX 7700  
Telephone: 713.374.3500  
Facsimile: 713.374.3505  
[lovettm@gtlaw.com](mailto:lovettm@gtlaw.com)  
[fergusonp@gtlaw.com](mailto:fergusonp@gtlaw.com)

*Attorneys for Defendant Russ A. Gressett*

R. Wayne Pierce  
The Pierce Law Firm, LLC  
133 Defense Highway, Suite 106  
Annapolis, MD 21401-7015  
Telephone: 410.573.9959  
Facsimile: 410.573.9956  
[wpierce@adventurelaw.com](mailto:wpierce@adventurelaw.com)

*Attorney for Defendant Pathfinder  
Mortgage Company*

**I FURTHER CERTIFY** that on September 24, 2009, a true copy of the foregoing was sent by electronic and first class mail to the attorneys listed above and to:

Mark Field  
Alliance Valuation Group  
638 Camino De Los Maries, Suite H130A  
San Clemente, CA 92673  
[mark.field@cox.net](mailto:mark.field@cox.net)

and

Lawson Valuation Group, Inc.  
8895 N. Military Trail, Suite 304E  
Palm Beach Gardens, FL 33410-6263  
[lawsonmai@aol.com](mailto:lawsonmai@aol.com)

Dated: September 24, 2009

Respectfully submitted,

/s/

---

William Sauers Bar. No. 17355  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone (202) 624-2500  
Facsimile (202) 628-5116  
Email [wsauers@crowell.com](mailto:wsauers@crowell.com)

*Attorneys for Plaintiffs CoStar Realty Information,  
Inc., a Delaware Corporation, and CoStar Group,  
Inc., a Delaware Corporation*